

259.

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-19067-2018

Date of decision:03.04.2019

LAKHWINDER SINGH AND ORS

... Petitioners

versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Varinder Chhibbar, Advocate,
for the petitioners.

Mr.Rana Harjasdeep Singh, DAG, Punjab,
for respondent No.1.

None for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.113 dated 13.06.2015 registered under Sections 323/324/406/498A/148/149 of IPC at Police Station Sadar Patiala, District Patiala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of settlement/compromise dated 16.04.2018 (Annexure P-2).

This Court vide order dated 16.01.2019 had directed the parties to appear before the trial Court/Illaq Magistrate to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Additional Chief Judicial Magistrate, Patiala and got their statements

submitted report dated 20.02.2019 to the effect that the compromise is genuine and has been effected between the parties voluntarily and without any coercion or undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Sandeep Kaur but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 20.02.2019. The same is reproduced as under:-

“I am resident of above said address and I got registered the FIR No.113 dated 13.6.2015 U/s 323, 324, 406, 498-A, 148, 149 IPC Police Station Sadar Patiala against the accused Lakhwinder Singh, Bagh Singh, Paramjit Kaur, Maninder Kaur @ Nishu, Baljinder Kaur @ Joni, Charanjit Kaur, Prem Singh all residents of Hagobind Colony Bahadurgarh District Patiala but now I have compromised the matter with all the aforesaid accused vide written compromise dated 16.4.2018 which is EX.CX (Original seen and returned) and I have no objection if the present FIR against all the above said accused is quashed. I have suffered the said statement without any force, fraud and undue influence from any body.”

Learned State counsel has not disputed the factum of compromise between the parties.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant FIR.

Hon'ble Supreme Court in ***Gold Quest International Private Limited Versus State of Tamil Nadu and others-2014 (4) RCR (Criminal) 206*** has held that the disputes which are substantially matrimonial in nature, or the civil property disputes with criminal facets, if the parties have entered

into settlement, and it has become clear that there are no chances of conviction, there is no illegality in quashing the proceedings under Section 482 Cr.P.C. read with Article 226 of the Constitution.

Thus, following the principles laid down by the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052*** and approved by the Hon'ble Supreme Court in ***Gian Singh Versus State of Punjab and others (2012) 10 SCC 303*** as also in the light of ***Gold Quest International Private Limited's case (supra)***, this petition is allowed and F.I.R. No.113 dated 13.06.2015 registered under Sections 323/324/406/498A/148/149 of IPC at Police Station Sadar Patiala, District Patiala (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of settlement/compromise dated 16.04.2018 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

03.04.2019
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No